

State Commission On Judicial Conduct Summary of Budget Recommendations - Senate

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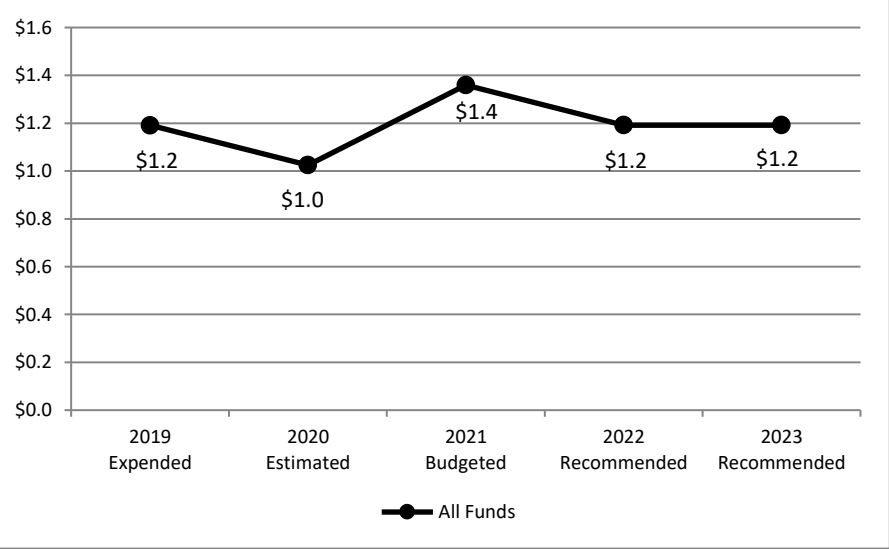
Jacqueline Habersham, Executive Director

Bryan Hadley, LBB Analyst

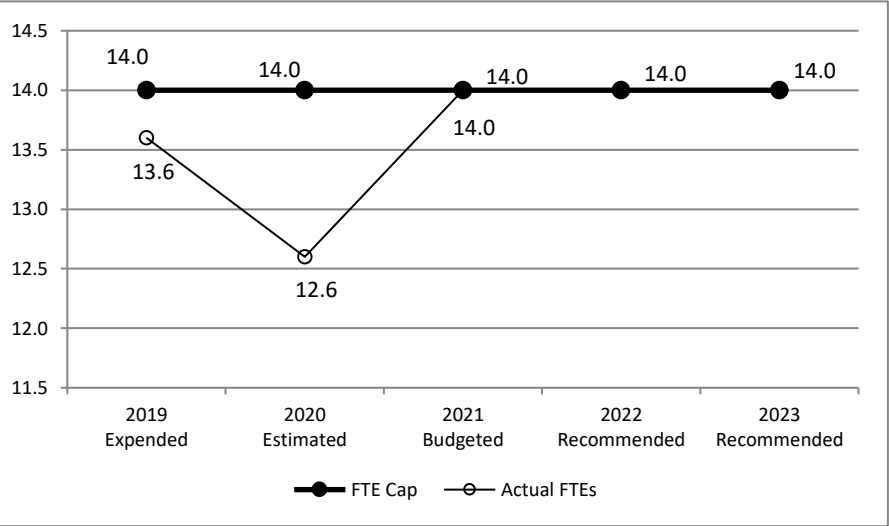
Method of Financing	2020-21 Base	2022-23 Recommended	Biennial Change (\$)	Biennial Change (%)
General Revenue Funds	\$2,383,908	\$2,383,908	\$0	0.0%
GR Dedicated Funds	\$0	\$0	\$0	0.0%
<i>Total GR-Related Funds</i>	<i>\$2,383,908</i>	<i>\$2,383,908</i>	<i>\$0</i>	<i>0.0%</i>
Federal Funds	\$0	\$0	\$0	0.0%
Other	\$0	\$0	\$0	0.0%
All Funds	\$2,383,908	\$2,383,908	\$0	0.0%

	FY 2021 Budgeted	FY 2023 Recommended	Biennial Change	Percent Change
FTEs	14.0	14.0	0.0	0.0%

Historical Funding Levels (Millions)



Historical Full-Time-Equivalent Employees (FTEs)



The bill pattern for this agency (2022-23 Recommended) represents an estimated 100.0% of the agency's estimated total available funds for the 2022-23 biennium.

State Commission On Judicial Conduct
Summary of Funding Changes and Recommendations - Senate

Section 2

Funding Changes and Recommendations for the 2022-23 Biennium compared to the 2020-21 Base Spending Level (in millions)		General Revenue	GR-Dedicated	Federal Funds	Other Funds	All Funds	Strategy in Appendix A
<i>SIGNIFICANT Funding Changes and Recommendations (each issue is explained in Section 3 and additional details are provided in Appendix A):</i>							
A)	No significant funding changes compared to the 2020-21 base.	\$0	\$0	\$0	\$0	\$0	-
<i>OTHER Funding Changes and Recommendations (these issues are not addressed in Section 3 but details are provided in Appendix A):</i>							
B)	No funding changes compared to the 2020-21 base.	\$0	\$0	\$0	\$0	\$0	-
TOTAL SIGNIFICANT & OTHER Funding Changes and Recommendations (in millions)		\$0.0	\$0.0	\$0.0	\$0.0	\$0.0	As Listed

**State Commission on Judicial Conduct
Selected Fiscal and Policy Issues - Senate**

1. **Travel Costs for Commission Meetings.** Recommendations provide \$75,000 in General Revenue for each year of the biennium to reimburse commissioners attending commission meetings, which continues 2020-21 spending levels. Appropriations for this purpose in 2020-21 were increased to \$78,462 to address issues where travel costs for some commissioners were either not paid or were covered by other entities. The unspent funds contributed toward the agency's required 5 percent reduction subsequent to the June 2020 Commission meeting being canceled due to the COVID-19 pandemic and a ransomware attack that disabled the agency's network servers for almost three months.

Commission meetings are held every even numbered month for a total of twelve meetings per biennium. Commissioners serve without compensation but are entitled to reimbursement for necessary expenses related to travel, board, and lodging in the performance of official duties, which include constitutionally required meetings and hearings to identify and administer appropriate disciplinary action regarding alleged misconduct by elected judges.

2. **Five Percent Reduction.** Recommendations do not include \$125,479 to restore the agency's 5 percent reduction. The agency met its 2020-21 reduction target through salary savings. Restored funds would be used to fill a vacant attorney position, software maintenance for their case management system, provide conference and CLE registrations, and provide salary parity for agency attorneys. (See also, Items Not Included in Recommendations - Senate #1)
3. **Case Filings, External Proceedings and Outside Legal Expenses.** Recommendations do not include \$200,000 in General Revenue funding for litigation costs and outside counsel fees to defend the State Commission on Judicial Conduct (SCJC) against two pending lawsuits, both challenging the agency's authority to discipline certain conduct and requesting declaratory judgments in State or Federal courts, for which the Office of the Attorney General (OAG) will not provide representation. According to the agency, \$4,500 was spent for this purpose in fiscal year 2020 and costs could continue to accrue throughout the 2022-23 biennium. In addition, the agency reports it must also address continuing litigation costs related to judges who have received sanctions from the Commission via Special Courts of Review seeking reviews of its decisions. The agency reports that 17 of these proceedings have been initiated since January 1, 2018.

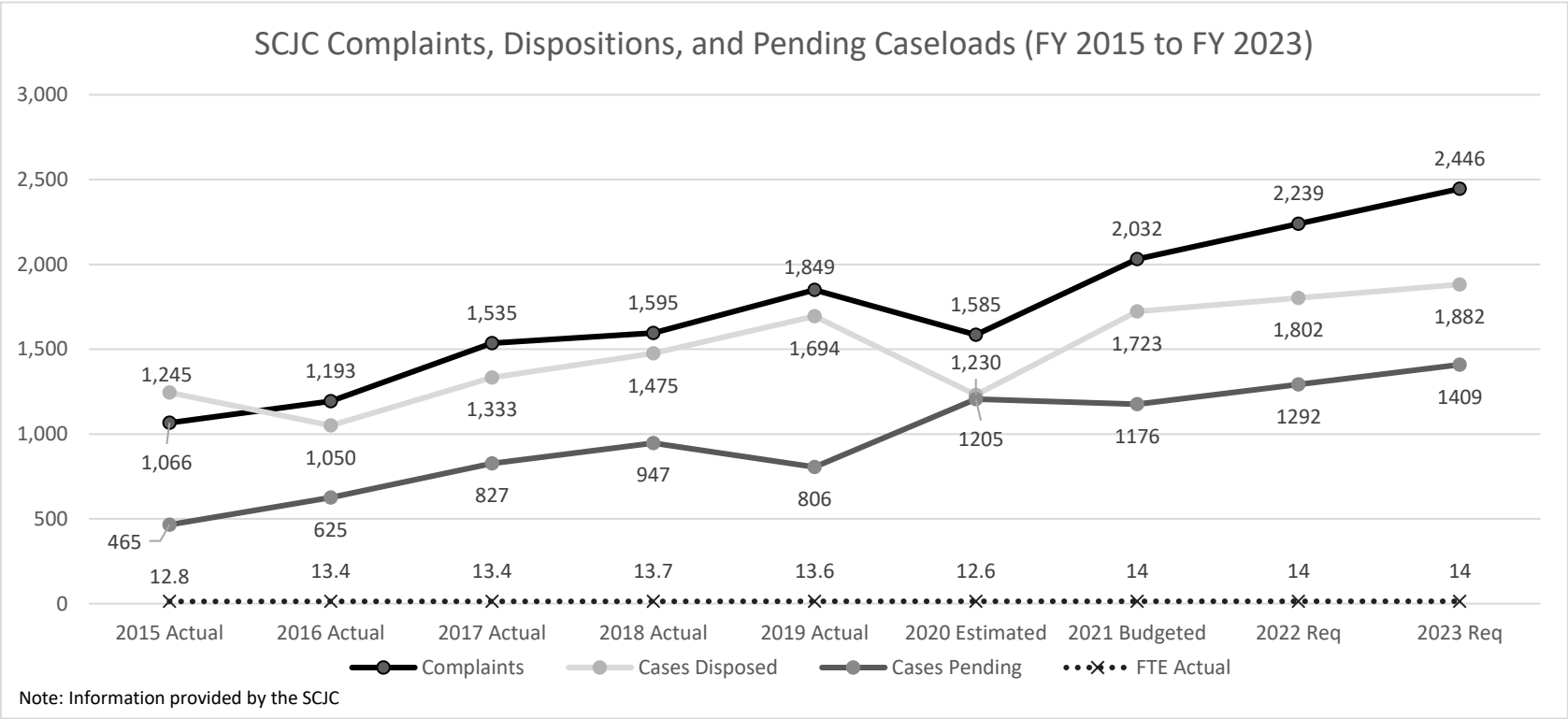
In fiscal years 2020, SCJC conducted 7 external proceedings, including 5 Courts of Review and 2 Formal Proceedings. Three of the Courts of Review came to a final resolution in 2020, before in-person court proceedings were prohibited. Two others have been delayed until they can be conducted in-person rather than virtually (the preference of those Court of Review panels). The agency currently has 7 Special Courts of Review pending. The agency has no control over these proceedings and must follow procedure for every proceeding regardless of when they are filed.

Regarding potential litigation costs, the agency also cannot predict when cases will be tried, the cost to defend cases on trial and on appeal, and if the OAG will consent to represent the SCJC in any future external litigation. (See also, Items Not Included in Recommendations - Senate #2)

4. **Additional Investigator Position.** Recommendations do not include \$106,000 in General Revenue to fund an additional Investigator position (1.0 FTE) to assist with increasing caseloads and to conduct a more regular and standard review of judicial social media activity involving the conduct of judges utilizing various social media platforms where the agency may initiate complaints on its own motion. The agency anticipates the additional position could enable the resolution of as many complaints as are received each year and may reduce the backlog of complaints. (See also, Items Not Included in Recommendations - Senate #3 and Selected Fiscal and Policy Issues - Senate #5, below)
5. **Complaints, Dispositions, and Pending Cases.** Overall, the agency has seen an increase in complaints, dispositions, and pending cases since fiscal year 2015, although filings and dispositions declined in 2020 as a result of the COVID pandemic and a ransomware attack that disabled the agency's network and servers for approximately 3 months. The agency reports that current staffing levels, which have not changed since 2015, are inadequate to support the increase in caseload.

The agency anticipates that it could reduce the average time for case resolution by a half-month in 2022 and a full month in 2023 with additional funding. (See also, Items Not Included in Recommendations - Senate #1 and #3 and Selected Fiscal and Policy Issues - Senate #4, above)

The following chart of data provided by the agency shows the number of complaints, dispositions, and cases pending for the SCJC for fiscal years 2015-2023.



State Commission On Judicial Conduct
Items Not Included in Recommendations - Senate

	2022-23 Biennial Total			Information Technology Involved?	Contracting Involved?	Estimated Continued Cost 2024-25
	GR & GR-D	All Funds	FTEs			

Agency Exceptional Items Not Included (in agency priority order)

1)	General Revenue to restore the agency's 5 percent reduction, which includes costs for attorney salaries, outside legal counsel, case management system software maintenance, and other operating expenses. (See also, Selected Fiscal and Policy Issues - Senate #2 and #5)	\$125,470	\$125,470	0.0	No	No	\$125,470
2)	General Revenue to provide funding for the costs of litigation and the work of outside counsel in the defense of pending lawsuits for which the Office of the Attorney General has declined representation. (See also, Selected Fiscal and Policy Issue - Senate #3)	\$200,000	\$200,000	0.0	No	No	\$200,000
3)	General Revenue to provide for an additional investigator staff position to handle a share of pending investigations and review the conduct of judges across various social media platforms. (See also, Selected Fiscal and Policy Issues - Senate #4 and #5)	\$106,000	\$106,000	1.0	No	No	\$106,000
4)	General Revenue to purchase approximately 15 new laptops with Wifi and Bluetooth capabilities for commissioners to use during hearings and meetings.	\$5,000	\$5,000	0.0	Yes	No	\$0

TOTAL Items Not Included in Recommendations		\$436,470	\$436,470	1.0			\$431,470
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State Commission On Judicial Conduct
Appendices - Senate

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* Appendix is not included - no significant information to report

State Commission On Judicial Conduct
Funding Changes and Recommendations by Strategy - Senate -- ALL FUNDS

Strategy/Goal	2020-21 Base	2022-23 Recommended	Biennial Change	% Change	Comments
ADMINISTRATION AND ENFORCEMENT A.1.1	\$2,383,908	\$2,383,908	\$0	0.0%	
Total, Goal A, ADMINISTRATION AND ENFORCEMENT	\$2,383,908	\$2,383,908	\$0	0.0%	
Grand Total, All Strategies	\$2,383,908	\$2,383,908	\$0	0.0%	

State Commission On Judicial Conduct
FTE Highlights - Senate

Full-Time-Equivalent Positions	Expended 2019	Estimated 2020	Budgeted 2021	Recommended 2022	Recommended 2023
Cap	14.0	14.0	14.0	14.0	14.0
Actual/Budgeted	13.6	12.6	14.0	NA	NA

Schedule of Exempt Positions (Cap)					
Executive Director, Group 4	\$126,660	\$126,660	\$135,149	\$135,149	\$135,149

Notes:

- a) State Auditor's Office is the source for the fiscal year 2019 and fiscal year 2020 annual average (actual) FTE levels.
- b) The State Auditor's Office Report, Executive Compensation at State Agencies (Report 20-706, August 2020), indicates a market average salary of \$144,996 for the Executive Director position at the State Commission on Judicial Conduct. The report recommends retaining the same salary group.